

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-3630

C.H., by and through his parents and
next friends, Timothy and Barbara Hayes

v.

CAPE HENLOPEN SCHOOL DISTRICT;
GEORGE E. STONE, Superintendent of Schools
Cape Henlopen School District;
DELAWARE DEPARTMENT OF EDUCATION;
VALERIE A. WOODRUFF, Secretary,
Delaware Department of Education

C.H. Hayes; Barbara Hayes,

Appellants

On Appeal from the United States District Court
for the District of Delaware
(D.C. No. 1-07-cv-00193)
District Judge: Honorable Mary Pat Thyng

Submitted Pursuant to Third Circuit LAR 34.1(a)
April 12, 2010

Before: FISHER, HARDIMAN and COWEN, *Circuit Judges*.

ORDER AMENDING OPINION

IT IS HEREBY ORDERED that the opinion in the above case, filed May 25, 2010, be amended as follows:

Page 26, the last sentence of the first full paragraph, which read:
Accordingly, we also will also affirm the denial of the
Parents' request for tuition reimbursement on equitable
grounds.

shall read:

Accordingly, we will also affirm the denial of the Parents'
request for tuition reimbursement on equitable grounds.

By the Court,

/s/ D. Michael Fisher

Circuit Judge

Dated: 26 May 2010